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7 PETER L. BRADLEY

FAA-2005-20532-2

8 UNITED STATES ADMINISTRATIVE LAW COURT
9 U. S. DEPARTMENT OF TRANSPORTATION
10 OFFICE OF HEARINGS, WASHINGTON, D.C.

11 UNITED STATES DEPARTMENT
12 OF TRANSPORTATION, FEDERAL
13 AVIATION ADMINISTRATION

14 Agency,

15 v.

16 PETER L. BRADLEY

17 Respondent.
18

CPO4WP0030

FAA CASE No. 2000 WP 750229

RESPONDENT'S ANSWER TO
COMPLAINT OF REGIONAL
COUNSEL FOR THE WESTERN-
PACIFIC REGION, FEDERAL
AVIATION ADMINISTRATION

Judge Not Assigned

19 PETER L. BRADLEY, through his attorney JOYCE B. LADAR, hereby responds to the
20 Complaint as follows:

- 21 1. Respondent admits on or about March 16, 2000, he was a passenger aboard Alaska
22 Airlines Flight Number 259 which departed Puerto Vallarta, Mexico and was headed
23 for San Francisco International Airport, San Francisco, California.
24
25 2. Respondent denies, based upon lack of knowledge and lack of information sufficient
26

1 to form a belief, of observations by crew members and passengers during the flight
2 but admits witnesses reported seeing him roaming the aisles and removing his shirt,
3 shoes and socks.

4 3. Respondent admits he had a small pocket knife on his person during the subject flight
5 but specifically denies the blade was 3 inches in length.
6

7 4. Respondent denies, based upon lack of knowledge and lack of information sufficient
8 to form a belief, whether a flight attendant instructed him to return to his assigned
9 seat and fasten his seat belt, and/or whether he responded with a curse word and
10 refused to sit down and fasten his seat belt; except Respondent admits witnesses
11 reported he was asked to sit down and fasten his seat which he did not always do.
12

13 5. Respondent denies, based upon lack of knowledge and lack of information sufficient
14 to form a belief, whether the Captain exited the cockpit and if so, why the Captain
15 did.
16

17 6. Respondent denies, based upon lack of knowledge and lack of information sufficient
18 to form a belief, whether he tried to open the cockpit door and was instructed to sit
19 down and fasten his seat belt and responded by shoving the flight attendant; except
20 Respondent admits witnesses reported he attempted to open the exit door of the
21 aircraft, attempted to enter the cockpit and sat down in First Class seat for a while
22

23 7. Respondent denies, based on lack of knowledge and lack of information sufficient to
24 form a belief, whether he subsequently attempted to open the cockpit door, whether
25 a flight attendant instructed him to sit down and whether he refused and then pushed
26 the flight attendant to the ground; except Respondent admits witnesses reported he

1 attempted to open the cockpit door and did not follow Flight Attendant's
2 instructions.

3 8. Respondent denies, based on lack of knowledge and lack of information sufficient to
4 form a belief, whether he burst into the cockpit stating "I'm going to kill you," and
5 whether he attempted to reach the flight controls of the aircraft; except that
6 Respondent admits witnesses reported he burst into the cockpit and attempted to
7 reach the flight controls.
8

9 9. Respondent denies, based on lack of knowledge and lack of information sufficient to
10 form a belief, whether the second in command used the emergency axe to defend the
11 cockpit and pilots and that Respondent assaulted and battered the Captain and
12 second-in-command; except Respondent admits witnesses reported the second in
13 command used the emergency axe to defend the cockpit.
14

15 10. Respondent admits the Captain asked the passengers for help and that passengers
16 along with the flight crew managed to subdue and restrain him.

17 11. Respondent denies, based on lack of knowledge and lack of information sufficient to
18 form a belief, whether as a result of Respondent's aforesaid actions, flight attendants
19 and flight crew members were injured.
20

21 12. Respondent admits upon arrival at the San Francisco International Airport, he was
22 arrested.
23

24 II.

25 a. Respondent denies that he assaulted/threatened/intimidated and/or intentionally
26 interfered with the crewmembers in the performance of their duties thereby violating 14

1 CFR Section 91.11.

- 2 b. Respondent denies, based on lack of knowledge and lack of information sufficient to
3 form a belief, that he failed to fasten his safety seat belt about him and keep it fastened
4 while the "Fasten Seat Belt" sign was lighted thereby violating 14 CFR Section
5 121.317(f).
6
- 7 c. Respondent denies that he failed to comply with instructions given to him by
8 crewmembers regarding compliance with paragraphs (f)[fasten seatbelt], (g)[no smoking
9 sign], (h)[no smoking], and (l)[operator of non-transport airplane] thereby violating 14
10 CFR Section 121.317(k); specifically Respondent denies he has smoked in over ten years
11 and denies he has ever operated an airplane.
12
- 13 d. Respondent denies that he violated 49 U.S.C. Section 46303(a), that he had on or about
14 himself or the property of himself, a concealed dangerous weapon that is or would be
15 accessible to the individual in flight; except that he admits he had a two and five-eighths
16 inch (2 5/8th) pocket knife which he disclosed to the screener before flight and
17 according to a passenger offered to give to him during flight.
18

19 III

20 Respondent requests the FAA be denied the findings and penalties it requests.

21 **AFFIRMATIVE DEFENSES**

- 22 1. **JUDICIAL NOTICE:** Respondent moves the Court take Judicial Notice of
23 United States of America v. Peter Bradley, CR 00-196 WHA (hereinafter Federal
24 Case), which is based upon the same incident and facts which provide the basis for
25 this Agency case. Peter Bradley was indicted for violations of 49 U.S.C. Sect.
26

1 46504 (Interference with Flight Crew and Attendants) and 18 U.S.C. Sect.

2 32(a)(5) (Violence against a person on an aircraft likely to endanger the safety of
3 such aircraft). The Indictment was Dismissed on September 26, 2002 upon the
4 presentation by the parties of a Stipulation and Order requesting dismissal.

5
6 2. **DEFENSE OF LEGAL UNCONSCIOUSNESS [18 USC Sect. 17(a)]**: It is the
7 unanimous opinion of four separate medical experts, the last of whom was
8 appointed by Judge Alsup (Jeffrey Weiner, M.D) to specially advise the court if this
9 case truly presented that Peter Bradley was legally insane, i.e. unconscious, at the
10 time of his presence on the Alaska Airlines Flight on March 16, 2000 in that he was
11 unable to appreciate the nature and quality or wrongfulness of his action as a result
12 of severe mental disease or defect, namely Acute Delirium due to Encephalitis
13 (inflammation of the brain), DSM-IV diagnosis 293.0 Delirium due to a general
14 medical condition (Encephalitis). [see "Report of James R. Missett, M.D. Ph.D.,
15 Including Inpatient Medical and Psychiatric Assessment, Stanford University
16 Medical Center" (June 14, 2000); Letter from Stephen J. Holz, M.D., U.C.S.F.
17 Neurologist; Report of Phillip J. Resnick, M.D., Case Western Reserve University,
18 Cleveland, Ohio (reputed to be one of the national experts on delirium); and
19 Report of Jeffrey Weiner, M.D.(April 16, 2001) (specially appointed to make an
20 independent investigation requested by the Court).]

21
22
23 3. **ESTOPPLE (ISSUE PRECLUSION)**: The Agency is estopped from disputing
24 that Respondent was legally unconscious on March 16, 2000 because the issue was
25 fully litigated in the Federal Case and was the reason for the Stipulated Judgment
26

1 of dismissal. Under collateral estoppel, once a court decides an issue of fact or law
2 necessary to its judgment, that decision precludes relitigation on a different cause
3 of action between the same parties. The United States Attorney and the
4 Department of Aviation (Agency) are but two branches of the federal government,
5 the true party to the actions against Peter Bradley.
6

7 4. **RES JUDICATA (CLAIM PRECLUSION):** The Agency is precluded from
8 bringing these claims against Peter Bradley based upon the same facts and incident
9 used in U.S.A. v. Peter Bradley, CR 00-196 WHA, which culminated in a
10 Stipulation and Order of Dismissal as a final judgment on September 30, 2002.
11 Claim Preclusion applies to Consent Judgments between the same parties
12 attempting to litigate the same issues that were raised or could have been raised in
13 the first case to reach judgment where, as here, the intent of the parties to resolve
14 the entire matter is indicated by the documents filed with the court and the
15 language of the stipulations.
16

17 5. **THE POCKET KNIFE WAS NOT A DANGEROUS WEAPON AND WAS**
18 **NOT CONCEALED:** The pocket knife removed from Peter Bradley had a blade
19 only two and five eighths (2 5/8ths) inches long. At no time had Respondent
20 attempted to conceal the weapon. Respondent is a carpenter by trade and always
21 carried the small pocket knife in his right front pants pocket. On March 16th 2000,
22 he removed the contents of his pockets, including the knife, during the screening
23 process at the Puerto Vallarta airport. The knife was returned to him by the
24 screeners and replaced in his front right pocket. According to a witness, during the
25
26

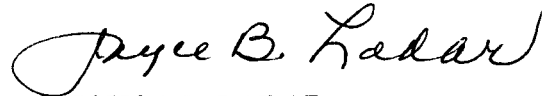
1 flight respondent offered to give the knife to a passenger, taking it out of his
2 pocket and offering it at the time, when the passenger refused, respondent placed
3 the knife back in his right front pocket where it was located after his restraint. At
4 all times the knife remained closed.
5

6 **PRAYER**

7 Respondent requests the case against him be dismissed.

8 Dated: January 19, 2005

Respectfully submitted,

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11 JOYCE B. LADAR
12 Attorney for Respondent
13 PETER BRADLEY
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PROOF OF SERVICE

The undersigned hereby certifies that his/her business address is 1916 Vallejo Street, San Francisco, California, 94123. and he/she is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that on this date he/she caused copies of

RESPONDENT'S ANSWER TO COMPLAINT OF REGIONAL
COUNSEL FOR THE WESTERN PACIFIC REGION,
FEDERAL AVIATION ADMINISTRATION
FAA Case No. 2000WP750229

To be deposited in the U.S. Mail to the following:

HEARING DOCKET CLERK
FEDERAL AVIATION ADMINISTRATION
800 Independence Avenue, SW, Room 924A
Washington, DC 20591

MONROE P. BALTON, Regional Counsel
FEDERAL AVIATION ADMINISTRATION
U.S. Department of Transportation, Western Pacific Region
THODORE P. BYRNE, Attorney
P.O. Box 92007
Los Angeles, CA 90009-2007

I declare under penalty of perjury that the foregoing is true and correct, executed
this 20th day of January, 2005, in San Francisco, County of San Francisco, California
(city/county, state).


(name) Joyce B. Ladar